

REMARKS**Claims 5 and 9 Stand Rejected Under 35 U.S.C. § 112**

Claims 5 and 9 stand rejected under 35 U.S.C § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states that, “it is not clear if it is meant to be ‘callee answering a call at said intermediary device’ or it is meant to be ‘receiving an authenticated callee identity at said intermediary device.’” Claims 5 and 9 are currently amended to clarify that an authenticated callee identity is received at said intermediary device so as to cure the rejection under 35 U.S.C § 112. Claim 5 is currently amended to recite, “means for receiving, at said intermediary device, an authenticated callee identity for a callee answering a call from an origin device originating said call.” Claim 9 is currently amended to recite, “means, recorded on said recording medium, for enabling receipt, at an intermediary device, of an authenticated callee identity for a callee answering a call from an origin device originating said call.” Applicants respectfully submit that this amendment adds no new matter to the claims and places the claims in condition for allowance.

Claims 1-21 Stand Rejected Under 35 U.S.C. § 103(a)

Claims 1-9 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359 B1)(hereafter “Gallick”), and further in view of Farris (U.S. Patent No. 6,122,357)(hereafter “Farris”). Applicants respectfully traverse each rejection. To establish a prima facie case of obviousness under 35 U.S.C. § 103 the proposed combination of the references must teach or suggest all of Applicants’ claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). As shown below in more detail, the proposed combination of Gallick and the Farris cannot establish a prima facie case of obviousness because the proposed combination does not teach each and every element of the claims of the present application.

Gallick Neither Discloses Nor Suggests Receiving, At An Intermediary Device An Authenticated Callee Identity For A Callee Answering A Call

The Office Action takes the position that Gallick at Figure 1, item 160, Figure 5, item 540, and column 4, lines 57-58, discloses the following limitation of the first element of claim 1: receiving, at an intermediary device, an authenticated callee identity for a callee answering a call. Applicants respectfully note in response, however, that what Gallick in fact discloses at Figure 1, item 160 is a feature server (column 2, lines 46-50), and what Gallick at column 4, lines 57-58, actually discloses is:

The caller may then select a person from the list to direct the call to that person.

In addition, Gallick describes Figure 5, item 540 at Column 4 lines 13-18, as follows:

The names and responsibilities of personal at the called facility authorized to handle particular types of inquiries are displayed at 525, 530, 535, and 540. The check mark 540 next to "Sidney . . . Sales" indicates that the call has been answered by an individual named "Sidney".

That is, Gallick at Figure 1, item 160, Figure 5, item 540, and column 4, lines 57-58, discloses displaying the names and responsibilities of personnel at the called facility authorized to handle particular types of inquiries. Gallick's displaying of names and responsibilities of personnel at the called facility authorized to handle particular types of inquiries does not disclose receiving, at an intermediary device, an authenticated callee identity for a callee answering a call as claimed in the present application. Gallick's displaying of names and responsibilities of personnel at the called facility authorized to handle particular types of inquiries is concerned with aiding a customer to determine which employee of a business is most capable of addressing the customer's issues, not receiving an authenticated callee identity. In fact, Gallick does not disclose or even mention at these reference points, 'an authenticated callee identity' as claimed in the present application. Furthermore, Gallick does not disclose at these reference points or any other reference points, *receiving, at an intermediary device*, an authenticated callee identity as claimed here. Gallick's displaying of names and responsibilities of personnel

at the called facility authorized to handle particular types of inquiries therefore neither discloses nor suggests an authenticated callee identity for a callee answering a call as claimed in the present application. The Office Action therefore cannot establish a prima facie case of obviousness. The rejections of claims 1-9 should be withdrawn, and the claims should be allowed.

**Gallick Neither Discloses Nor Suggests Wherein Said Identity
Is Authenticated By An Origin Device Originating Said Call**

The Office Action takes the position that Gallick at Figure 5, item 500, discloses the following limitation of the first element of claim 1: wherein said identity is authenticated by an origin device originating said call. Applicants respectfully note in response, however, that Gallick at column 4, lines 4-8, describes Figure 5, item 500 as follows:

FIG. 5 shows the GUI screen displayed to the calling subscriber after the called-ID information has been transmitted to the caller containing additional useful information. 500 shows "Outbound Call" and the called number is shown at 505.

That is, Gallick at Figure 5, item 500 discloses a GUI screen displaying 'Outbound Call'. Gallick's GUI screen displaying 'Outbound Call' does not disclose wherein said identity is authenticated by an origin device originating said call as claimed in the present application. In fact, Gallick does not at any reference point disclose or even suggest authentication by an origin device as claimed here. Gallick cannot be said to teach or disclose anything resembling wherein said identity is authenticated by an origin device originating said call as claimed in the present application. Gallick's GUI screen displaying 'Outbound Call' therefore neither discloses nor suggests wherein said identity is authenticated by an origin device originating said call as claimed in the present application. The Office Action therefore cannot establish a prima facie case of obviousness. The rejections of claims 1-9 should be withdrawn, and the claims should be allowed.

**Farris Neither Discloses Nor Suggests Retrieving A Callee
Profile For Said Authenticated Callee Identity**

The Office Action takes the position that Farris at column 42, line 62 – column 43, line 12, and column 43, lines 25-30, discloses the second element of claim 1: retrieving a callee profile for said authenticated callee identity. Applicants respectfully note in response, however, that what Farris at column 42, line 62 – column 43, line 12, actually discloses is:

The next action is dependent on the identity of the person at the subscriber premises who answers the telephone. In this example it is assumed that the threatened or harassed individual answers. As previously stated, all answering parties are instructed to first identify themselves. Here the threatened answering party does so, as for example, "This is Jane." When the IP receives input speech and extracts the characteristic information during actual call processing, it compares the extracted speech information to stored pattern information to identify and authenticate the particular answering party or subscriber. In the present example, the voice authentication module 233 in the IP 23 compares the extracted speech information to the stored template or feature data for each subscriber associated with the particular off-hook line. The IP now knows the identity of the called subscriber. Based on the identification of the called subscriber, the IP 23 selects a virtual office equipment (OE) number from storage that corresponds to the subscriber.

In addition, what Farris at column 43, lines 25-30, actually discloses is:

Specifically, the administrative module processor 61 retrieves profile information associated with the virtual office equipment (OE) number from the disc storage 63 into the register. As such, the profile information in the assigned register in the call store 67 now corresponds to the identified subscriber, rather than to the off-hook line.

That is, Farris at column 42, line 62 – column 43, line 12, and column 43, lines 25-30, discloses identifying and authenticating a particular answering party, and retrieving profile information associated with a virtual office equipment number. Farris's identifying and authenticating a particular answering party, and retrieving profile information associated with a virtual office equipment number does not disclose

retrieving a callee profile for said authenticated callee identity as claimed in the present application. Because an ‘authenticated callee identity’ as claimed in the present application is ‘authenticated by an origin device,’ and neither Gallick nor Farris discloses such authentication by an origin device it cannot be said that Farris teaches an ‘authenticated callee identity’ as claimed here and as such cannot be said to disclose retrieving a callee profile for said authenticated callee identity. In fact, Farris at column 43, lines 1-5 teaches away from Applicants’ ‘authenticated callee identity’ by teaching identifying the answering party *at an IP (Intelligent Peripheral)* and not at an origin device as claimed in the present application. Farris’s identifying and authenticating a particular answering party, and retrieving profile information associated with a virtual office equipment number therefore neither discloses nor suggests retrieving a callee profile for said authenticated callee identity as claimed in the present application. The Office Action therefore cannot establish a *prima facie* case of obviousness. The rejections of claims 1-9 should be withdrawn, and the claims should be allowed.

**Farris Neither Discloses Nor Suggests Specifying A Selection
Of Services From Among A Plurality Of Services That Are
Offered For Said Call According To Said Callee Profile**

The Office Action takes the position that Farris at column 43, lines 31-46, discloses the third element of claim 1: specifying a selection of services from among a plurality of services that are offered for said call according to said callee profile. Applicants respectfully note in response, however, that what Farris column 43, lines 31-46, in fact discloses is:

The profile information provides a wide range of data relating to the subscriber's services. Included in that information the profile data provides necessary instructions to alert the IP to prepare to attempt to match the speech of the calling party to identify the calling party as the target. If the procedure which is specified in the CPR includes the option of not voice connecting the calling party to the called line to hear the live response of the answering party subscriber, the IP is directed to record the response for playback to the calling party when that party has been voice connected. The calling party is now connected to the called line, which has a voice connection to the IP, i.e., it is bridged to the IP. The IP plays the recorded

response to the calling party and prepares to monitor the speech of the caller and attempt to match it to that of the target.

That is, Farris discloses profile information providing a wide range of data relating to a subscriber's services. Farris's profile information providing a wide range of data relating to a subscriber's services does not disclose *specifying a selection of services* from among a plurality of services that are offered for said call according to said callee profile.

Farris's at this reference point is concerned with a wide range of data but does not disclose or even mention specifying a selection of services as claimed here. In fact, Farris at this reference point discloses a wide range of data relating to the subscriber's services which in no way discloses specifying a selection as claimed in the present application. Farris then cannot be said to disclose specifying a selection of services from among a plurality of services that are offered for said call according to said callee profile. The Office Action therefore cannot establish a *prima facie* case of obviousness. The rejections of claims 1-9 should be withdrawn, and the claims should be allowed.

Relations Among Claims

Independent claim 1 claims method aspects for specifying telephone services for a particular callee according to embodiments of the present invention. Independent claims 1, 5, and 9 respectively claim system and computer program product aspects for specifying telephone services for a particular callee according to embodiments of the present invention. Claim 1 is allowable for the reasons set forth above. Claims 5 and 9 are allowable because claim 1 is allowable. The rejections of claims 1-9 therefore should be withdrawn, and claims 1-9 should be allowed.

Claims 2-4 and 6-8 depend respectively from independent claims 1 and 5. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because the combination of Gallick and Farris does not disclose or suggest each and every element of the independent claims, so also the combination of Gallick and Farris cannot possibly disclose or suggest each and every element of any dependent

claim. The rejections of Claims 1-9 therefore should be withdrawn, and these claims also should be allowed.

Conclusion

Claims 5 and 9 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5 and 9 have been amended to cure the rejection under 35 U.S.C. § 112. Claims 5 and 9 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 5 and 9.

Claims 1-9 stand rejected under 35 U.S.C. § 103 as obvious over Gallick in view of the Farris. The combination of Gallick and Farris does not teach or suggest each and every element of Applicants' claims. Claims 1-9 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 1-9.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

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By:


John Biggers
Reg. No. 44,537
Biggers & Ohanian, LLP
P.O. Box 1469
Austin, Texas 78767-1469
Tel. (512) 472-9881
Fax (512) 472-9887
ATTORNEY FOR APPLICANTS